IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13593 of 2004

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HEMANTBHAI HASMUKHBHAI HOJIWALA AND ANR.
Versus
STATE OF GUJARAT AND ORS.

Appearance:
1. Special Civil Application No. 13593 of 2004
MR AMIT V THAKKAR for Petitioner Nos. 1-2

CORAM : HON'BLE DR.JUSTICE J.N.BHATT
and
HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 25/10/2004

ORAL JUDGEMENT

(Per : HON'BLE DR.JUSTICE J.N.BHATT)

After having heard Mr.A.V.Thakker, learned Advocate for the petitioner, and considering the facts,

the photographs and the notice dated 30th April, 2004, addressed to the local authorities as well as the Pollution Control Board, and the nature of allegations, coupled with the fact the notice is not yet replied by any of the authorities, as stated by Mr.Thakkar, learned Advocate, we direct the petitioners to make representations to the Commissioner of Surat Municipal Corporation, respondent No.2 and the Chief Officer, the Pollution Control Board, at Surat, respondent No.4 on or before, 6th November, 2004, by Registered Post.

Upon receipt of such representations, the said two authorities shall consider the representations, and after consideration, if required, take necessary permissible legal actions, and whatever action, proposed or taken pursuant to the representations, will be notified within a period of one week to the petitioner, and despite the intimation, if the petitioner is aggrieved, it will be open for him to appropriately move this Court.

The authorities are directed to consider and dispose of the representations within a period of three months from the date of receipt of the representations from the petitioners. It will be open for the authorities to pursue and take legal remedies and actions against the respondents pursuant to the representations.

This petition, therefore, at this stage, shall stand disposed of without entering into the merits.

Direct Service permitted.

(DR. J. N. BHATT, J.) (ANANT S. DAVE, J.)
/shamnath